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February 8, 1994

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Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Washington, DC 20554

Dear Secretary,

Attached are 1 original and 9 copies of a Petition for Rulemaking to **Ban All Commercial Telemarketing Companies from Calling Residential Telephone Subscribers.**

Ten (10) copies have been supplied in compliance with 47 CFR (Code of Federal Regulations), Chapter 1, Paragraph 1.419., i.e. (5) Commissioners, (2) Secretary, (2) Bureau, and (1) Information Office.

I look forward to my Petition for Rulemaking and any like petitions filed by other residential telephone subscribers being seriously considered and a Notice of Proposed Rule Making (NPRM) being issued by the Commission.

Thank you.

Sincerely yours,

David H. Faile, Jr.



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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's Rules
To Ban All Commercial Telemarketing
Companies From Calling Residential
Telephone Subscribers

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To: Policy and Rules Division
Common Carrier Bureau

PETITION FOR RULE MAKING

I hereby petition for a rule making To Ban All Commercial Telemarketing
Companies From Calling Residential Telephone Subscribers.

A Commercial Telemarketing Company is a telemarketing activity either
"in-house" or by contractor for another company be it commercial or "not for
profit" utilizing business telephone service to make unsolicited calls to residential

telephone subscribers. A Commercial Telemarketing Company is not the "local" telephone activity by volunteers for PTA's, scouting organizations, church groups and service clubs calling neighbors by using a residential telephone service to originate calls to promote community fund raising projects and events.

For years the public has been accustomed to receiving direct mail solicitations. While it is fully understood such mailings are perhaps undesired, hence the well known phrase "junk mail" - I can accept it and read it or toss it into the garbage at my own schedule and convenience! Telemarketers DO NOT PAY FOR MY TELEPHONE to accomplish and complete their solicitation. I do not pay for residential telephone service to open up a portal for "junk calls" at personal "cost" by interrupting a home office, housework, child care, meals, studying and for some of us...even sleep at their convenience! Such calls are unwanted, irritating, distracting, inconvenient and an invasion of personal privacy.

Purchase of an unlisted/unpublished telephone number offers no guaranty of deterring unwanted calls and burdens the residential subscriber with increased cost and the inconvenience of lacking a residential telephone directory listing.

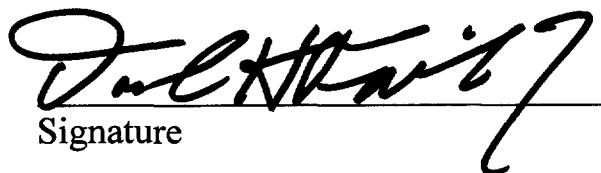
It is argued that a residential telephone subscriber may remove their number from telemarketing directories by requesting such at the moment of solicitation. In practice, most telemarketers will not implement the request. Future solicitations from the same company disprove that any action was ever taken. Woe to the residential telephone subscriber that asks for the telemarketer's number and company name... that's almost always a "hang-up" or an incredulous response as to "why would you want to know that?". The fact that it is the responsibility of the residential telephone subscriber to stop unsolicited telemarketing is absolutely wrong.

Another compelling reason for the outright ban of Commercial Telemarketing Companies is that the electronic highway that invades my personal privacy behind closed doors is so agile and mobile that regulation and prosecution of fraudulent misrepresentations is truly impossible. Telemarketing Companies can easily "disappear" as fast as they appear just steps ahead of new regulations or prosecution.

I respectfully request the Commission to seriously consider the merits of my

petition To Ban All Commercial Telemarketing Companies From Calling
Residential Telephone Subscribers and that a NPRM shall be published for the
opportunity of public comment. I believe this proposed rule making to be in the
public interest and long overdue.

Respectfully submitted,

 2-8-94
Signature Date

David H. Faile, Jr.

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